

Page 1	Page 3
1 UNITED STATES DISTRICT COURT	1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MISSOURI	2 FOR THE EASTERN DISTRICT OF MISSOURI
3	3
4 MISSOURI PRIMATE)	4 MISSOURI PRIMATE)
5 FOUNDATION, ET AL.,)	5 FOUNDATION, ET AL.,)
6)	6)
7 Plaintiffs,)	7 Plaintiffs,)
8 vs.) Civil Action No.	8 vs.) Civil Action No.
9)	9)
10 PEOPLE FOR THE ETHICAL) 4:16-cv-02163-CDP	10 PEOPLE FOR THE ETHICAL) 4:16-cv-02163-CDP
11 TREATMENT OF ANIMALS,)	11 TREATMENT OF ANIMALS,)
12 INC., ET AL.,)	12 INC., ET AL.,)
13)	13)
14 Defendants.)	14 Defendants.)
15	15
16 DEPOSITION OF DR. DOUGLAS PERNIKOFF	16 DEPOSITION OF WITNESS, DR. DOUGLAS
17 TAKEN ON BEHALF OF THE DEFENDANTS	17 PERNIKOFF, produced, sworn and examined on the 27th
18 JUNE 27, 2018	18 day of June, 2018, between the hours of eight
19	19 o'clock in the forenoon and six o'clock in the
20	20 afternoon of that day, at the offices of
21	21 Polsinelli, PC, 100 South Fourth Street, Suite
22	22 1000, St. Louis, Missouri, before Tara Schwake, a
23	23 Registered Professional Reporter, Certified
24	24 Realtime Reporter, Certified Shorthand Reporter
25	25 (IL), Certified Court Reporter (MO), and Notary
	Public within and for the State of Missouri.
Page 2	Page 4
1 INDEX	1 APPEARANCES
2 WITNESSES	2
3 ALL WITNESSES PAGE	3 FOR THE WITNESS:
4 For Defendants	4 THE BALDWIN LAW GROUP
5 DR. DOUGLAS PERNIKOFF	5 12747 Olive Boulevard, Suite 280
6 Examination by Ms. Bernstein 6	6 St. Louis, Missouri 63141
7 Examination by Mr. Batten 249	7 (314) 720-6190
8 Re-Examination by Ms. Bernstein 305	8 by: Mr. Brent W. Baldwin
9 Re-Examination by Mr. Batten 334	9 brent@baldwin-lawgroup.com
10 EXHIBITS	10
11 NO. DESCRIPTION PAGE	11 FOR THE DEFENDANTS:
12 Exhibit 1 Printout of documents	12 PETA Foundation
13 produced in response to	13 1536 16th Street, N.W.
14 subpoena 43	14 Washington, DC 20036
15 Exhibit 2 Records provided by Miss	15 (202) 483-2190
16 Casey 121	16 by: Ms. Martina Bernstein
17 Exhibit 3 Documents provided by Miss	17 martinab@petaf.org
18 Casey including	18
19 Environmental Enrichment	19 FOR CONNIE CASEY: (via telephone)
20 Program 164	20 KLAR, IZSAK & STENGER, LLC
21 Exhibit 4 Program of Veterinary Care	21 1505 South Big Bend Boulevard
22 Instructions 231	22 St. Louis, Missouri 63117
23 (Exhibits attached to transcript.)	23 (314) 863-1117
24	24 by: Mr. Daniel Batten
25	25 dbatten@lawsaintlouis.com

1 (Pages 1 to 4)

<p style="text-align: right;">Page 5</p> <p>1 ALSO PRESENT: 2 ALARIS 3 711 North 11th Street 4 St. Louis, Missouri 63101 5 (314) 644-2191 6 1-800-280-DEPO 7 by: Ms. Tara Schwake, CRR, RPR, CCR, CSR 8 transcripts@alarislitigation.us 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 7</p> <p>1 Q And how long have you worked there? 2 A Twenty-four years. 3 Q What are your responsibilities? 4 A I am the owner and I am also a 5 general practitioner and I play vet every day. 6 Q Are you familiar with the Missouri 7 Primate Foundation? 8 A I am. 9 Q And at some point did you become a 10 member of the governing board? 11 A When I was just graduating, I met 12 them about 36 years ago, and they asked me to be on 13 their board and at that time I was very excited to 14 be involved, especially with exotic species. 15 Q Who asked you to be on the board of 16 the Missouri Primate Foundation? 17 A I think it was, if I remember, it was 18 probably Connie and her husband at that time was -- 19 what's his name? 20 Q Is it Mike? 21 A Mike Casey. 22 Q Connie and Mike Casey? 23 A Yeah. 24 Q And did Connie and Mike Casey tell 25 you why they wanted you to join the Missouri</p>
<p style="text-align: right;">Page 6</p> <p>1 IT IS HEREBY STIPULATED AND AGREED by 2 and between Counsel for Plaintiffs and Counsel for 3 Defendants that this deposition may be taken by 4 Tara Schwake, Notary Public and Certified Realtime 5 Reporter, thereafter transcribed into typewriting, 6 with the signature of the witness being expressly 7 waived. 8 DR. DOUGLAS PERNIKOFF, 9 of lawful age, having been produced, sworn, and 10 examined on the part of Defendants, testified as 11 follows: 12 ***** 13 (Deposition commenced at 9:27 a.m.) 14 EXAMINATION 15 QUESTIONS BY MS. BERNSTEIN: 16 Q Good morning, sir. 17 A Hi. 18 Q Are you presently employed? 19 A Yes. 20 Q And where are you employed? 21 A The Clarkson-Wilson Veterinary Clinic 22 in Chesterfield. 23 Q And what does that business do? 24 A It's a veterinary, all service 25 veterinary clinic.</p>	<p style="text-align: right;">Page 8</p> <p>1 Primate Foundation board? 2 A Not particularly. I assume because 3 of my interest in exotic animals. 4 Q Did you have any discussions with 5 them about what was expected of you as a board 6 member? 7 A No. 8 Q Do you know when Missouri Primate 9 Foundation was incorporated? 10 A I do not. 11 Q Do you have any records relating 12 specifically to your service as a board member? 13 A There was zero activity. 14 Q And when you say "there was zero 15 activity," what do you mean? 16 A I didn't even remember that I was on 17 the board recently until it was presented to me. 18 So I think it was just like a perfunctory title 19 they wanted to have maybe because of my interest in 20 exotics. 21 Q When you say it was recently brought 22 back to your attention, who -- who brought it to 23 your attention? 24 A I think it was Kurt Reeg, who was 25 serving at one point as Connie's attorney and he</p>

2 (Pages 5 to 8)

<p style="text-align: right;">Page 41</p> <p>1 provide a professional opinion one way or the</p> <p>2 other?</p> <p>3 A Correct.</p> <p>4 Q You just have stated your belief but,</p> <p>5 you know, just like, you know, we all can have</p> <p>6 beliefs, you would agree that you're not giving a</p> <p>7 professional opinion and you're not professionally</p> <p>8 trained to provide such an opinion; is that right?</p> <p>9 A Correct.</p> <p>10 MS. BERNSTEIN: Off the record.</p> <p>11 (Off the record.)</p> <p>12 Q (BY MS. BERNSTEIN) So do you have</p> <p>13 any expertise or training to determine whether it</p> <p>14 could significantly disrupt normal behavior</p> <p>15 patterns of chimpanzees if they're kept in an</p> <p>16 inadequate physical environment?</p> <p>17 A No formal ability.</p> <p>18 Q No more than any other person,</p> <p>19 layperson?</p> <p>20 A Well, I mean, if you're asking my</p> <p>21 training, you know.</p> <p>22 Q Well, let me ask you this. Are you</p> <p>23 qualified to answer the following question: If the</p> <p>24 physical environment for chimpanzees is inadequate</p> <p>25 to promote the psychological well-being, could it</p>	<p style="text-align: right;">Page 43</p> <p>1 environment. Correct?</p> <p>2 A I don't have that ability to --</p> <p>3 Q Good, good. Just wanted to make sure</p> <p>4 because I don't want to ask questions that you</p> <p>5 wouldn't be prepared to answer one way or the</p> <p>6 other, and I'm not here for asking you to just</p> <p>7 provide layperson opinions or lay opinions.</p> <p>8 A Well, you know, I'm 65 years old, so</p> <p>9 you develop a life.</p> <p>10 Q Of course. And I'm right with you on</p> <p>11 that. I have plenty of opinions.</p> <p>12 And I just want to make sure that --</p> <p>13 and you certainly do not think it's your</p> <p>14 responsibility and you did not take on the</p> <p>15 responsibility to ensure that the chimpanzees at</p> <p>16 MPF are kept in a manner that promotes their</p> <p>17 psychological well-being?</p> <p>18 A Correct. That was not my</p> <p>19 responsibility.</p> <p>20 Q And fair to say that over the years,</p> <p>21 you did not do anything to ensure one way or the</p> <p>22 other that their psychological well-being was met?</p> <p>23 A Correct.</p> <p>24 Q The records that you provided to us.</p> <p>25 If you can take a look at Exhibit 1 right in front</p>
<p style="text-align: right;">Page 42</p> <p>1 cause harm to the chimpanzees?</p> <p>2 A I would presume so.</p> <p>3 Q And why would you presume that an</p> <p>4 inadequate physical environment for chimpanzees</p> <p>5 could cause harm?</p> <p>6 A Well, as a veterinarian, I would feel</p> <p>7 that -- and this is a broad question, "inadequate"</p> <p>8 is very broad -- but if they are, if they are not,</p> <p>9 the husbandry is not good, the care is not good,</p> <p>10 obviously, just like with people, it predisposes</p> <p>11 the critters to be ill, or potentially ill.</p> <p>12 Q If a chimpanzee's psychological needs</p> <p>13 are not met, could it likely cause injuries to the</p> <p>14 chimpanzees?</p> <p>15 A Again, I'm not a behaviorist to</p> <p>16 determine that. I have opinions, but...</p> <p>17 MR. BALDWIN: But they're just people</p> <p>18 opinions and not expert opinions; right?</p> <p>19 A Right.</p> <p>20 Q (BY MS. BERNSTEIN) Right. Right.</p> <p>21 Just -- right. Because we all have opinions. I</p> <p>22 just wanted to make sure that you wouldn't be</p> <p>23 prepared to give an opinion as a behavioralist, one</p> <p>24 way or the other, whether a chimpanzee could be</p> <p>25 injured as a result of an inadequate physical</p>	<p style="text-align: right;">Page 44</p> <p>1 of you, yes, we've -- we've printed out the -- if</p> <p>2 you can just thumb through it and confirm that this</p> <p>3 appears to be complete and these are all the</p> <p>4 records you have, that you produced to us in</p> <p>5 response to the subpoena?</p> <p>6 A Yeah, this looks like everything.</p> <p>7 Yeah.</p> <p>8 Q Is it, is it fair to say, and for the</p> <p>9 record, Exhibit 1 is a printout of the documents</p> <p>10 that you produced to us in response to your</p> <p>11 subpoena. And you confirm that it appears to be</p> <p>12 that?</p> <p>13 A Yes.</p> <p>14 Q Okay. Is it fair to say you have no</p> <p>15 other records relating to the chimpanzees at MPF?</p> <p>16 A Correct.</p> <p>17 Q Have you communicated with Connie at</p> <p>18 any time about anything via e-mail?</p> <p>19 A I don't think she has e-mail.</p> <p>20 Q Okay. So I suppose that's a clear</p> <p>21 no?</p> <p>22 A That's a no.</p> <p>23 Q Have you communicated with Connie</p> <p>24 about anything via text?</p> <p>25 A Not about records.</p>

<p style="text-align: right;">Page 149</p> <p>1 facility and brought her back, kept her on the</p> <p>2 antibiotics and she is well now. She's eating,</p> <p>3 she's doing fine.</p> <p>4 Q What diagnosis or working diagnosis</p> <p>5 did you make of what caused the problems with</p> <p>6 Tammy?</p> <p>7 A She had some kind of infection</p> <p>8 someplace because she had an elevated white cell</p> <p>9 count as I remember and I don't know where the</p> <p>10 source of the infection was, so shooting from the</p> <p>11 hip. But that's not uncommon in the zoo world, so.</p> <p>12 Q How long had Tammy not been feeling</p> <p>13 well by the time you saw her?</p> <p>14 A I don't know that exactly.</p> <p>15 Q Wouldn't that be important to know?</p> <p>16 A Yeah. Would be good.</p> <p>17 Q Didn't you ask?</p> <p>18 A Yeah. I mean, she probably said</p> <p>19 something to the effect of, you know, she hasn't</p> <p>20 been eating as much, she's been quieter, that kind</p> <p>21 of thing, for a couple of days.</p> <p>22 Q When you say "probably," did you</p> <p>23 write that down?</p> <p>24 A I did not.</p> <p>25 Q Do you remember --</p>	<p style="text-align: right;">Page 151</p> <p>1 how long had she had that tumor before you were</p> <p>2 asked to consult about that tumor?</p> <p>3 A I could not know that.</p> <p>4 Q Well, didn't you ask Miss Casey, just</p> <p>5 say how long has she had this tumor?</p> <p>6 A She wouldn't have a tumor -- it's an</p> <p>7 inside tumor.</p> <p>8 Q Right.</p> <p>9 A So she wouldn't know that there was</p> <p>10 an inside tumor this big until we looked inside.</p> <p>11 Q So by the time Miss Casey asked for</p> <p>12 veterinary care for Angel, it was too late to save</p> <p>13 her life?</p> <p>14 A I mean, that's your interpretation.</p> <p>15 I don't see it --</p> <p>16 Q No, I'm asking you. Is the first</p> <p>17 time you saw Angel when it was too late to do</p> <p>18 anything for her? To save her life?</p> <p>19 A Well, no, because I was trying to do</p> <p>20 something to save her life; right?</p> <p>21 Q And she died because of what?</p> <p>22 A I don't know if it was the stress or</p> <p>23 the shock or the long surgery, I don't know. She</p> <p>24 succumbed.</p> <p>25 Q The reference here in the Subjective</p>
<p style="text-align: right;">Page 150</p> <p>1 A Oh, you know what? Can I --</p> <p>2 Q Yes, of course.</p> <p>3 A So that record is written up, so if I</p> <p>4 did ask her and it's on there, it could be on</p> <p>5 there. I just don't remember.</p> <p>6 Q Right. Right. If you turn to page</p> <p>7 146, there is a reference to a mixed breed canine</p> <p>8 named Angel.</p> <p>9 A Angel is a primate.</p> <p>10 Q Right.</p> <p>11 A I think that's just our mistake, I</p> <p>12 guess. Because that was written up on my record.</p> <p>13 Q Okay. So she's a --</p> <p>14 A I think she's still there.</p> <p>15 Q I think she died.</p> <p>16 A Do you see her here?</p> <p>17 Q Nope.</p> <p>18 A Yeah, here it is.</p> <p>19 Q Oh, she recovered?</p> <p>20 A Yeah, she's the one that died. I did</p> <p>21 surgery with a human surgeon and she had a massive</p> <p>22 tumor involving the reproductive tract and we</p> <p>23 worked on that for probably an hour and a half, two</p> <p>24 hours, and she succumbed.</p> <p>25 Q So that massive tumor that she had,</p>	<p style="text-align: right;">Page 152</p> <p>1 Section on CASEY 146, page 146, Subjective Section,</p> <p>2 "Reported prolapse of some form," a prolapse -- how</p> <p>3 did Miss Casey know that there was a prolapse?</p> <p>4 A There was -- okay, I do remember</p> <p>5 more. This tissue was hanging out and I don't know</p> <p>6 the exact date but I --</p> <p>7 Q So that was visible?</p> <p>8 A Yes, that was visible, so I brought a</p> <p>9 OB/GYN to the site and we sedated and pulled some</p> <p>10 of that tissue and he wasn't sure what it was. So</p> <p>11 she was doing fine. We decided to watch as I</p> <p>12 remember, and then when it was still there, there</p> <p>13 was more material, said, well, we probably should</p> <p>14 get in there and explore and then I brought a</p> <p>15 surgeon in.</p> <p>16 Q Did Miss Casey tell you how long the</p> <p>17 prolapse was visible before she brought Angel in?</p> <p>18 A That I came out there? I do not</p> <p>19 recall.</p> <p>20 Q That you went out there?</p> <p>21 A I do not recall.</p> <p>22 Q That would have been important to</p> <p>23 know?</p> <p>24 A Yes.</p> <p>25 Q And you have no assurances that she</p>

<p style="text-align: right;">Page 153</p> <p>1 brought it to your attention in a timely fashion?</p> <p>2 A I guess that's true.</p> <p>3 Q There is a reference on page 148 at</p> <p>4 the end of the Objective Section, "animal</p> <p>5 transported back to facility, and literally</p> <p>6 succumbed soon after placing in cage, cause of</p> <p>7 death unknown."</p> <p>8 Is that consistent with your</p> <p>9 recollection?</p> <p>10 A Yeah. We did the procedure at Dr.</p> <p>11 Jones's facility, so that would make sense.</p> <p>12 Q Did you charge for the surgery?</p> <p>13 A No.</p> <p>14 Q And why not?</p> <p>15 A I have a very strong Judeo-Christian</p> <p>16 ethic. She was in no better condition to --</p> <p>17 Q To?</p> <p>18 A -- to pay. I just don't -- I don't</p> <p>19 think about those things when I go to help her. I</p> <p>20 just think I'm helping her.</p> <p>21 Q Well, you -- you charge some of your</p> <p>22 clients; right?</p> <p>23 A Sure.</p> <p>24 Q And how do you determine who to</p> <p>25 charge and who not to charge?</p>	<p style="text-align: right;">Page 155</p> <p>1 Q Is that consistent with acceptable</p> <p>2 standards to have chimpanzees not vaccinated</p> <p>3 against any diseases?</p> <p>4 A Not, not truly, and certainly not in</p> <p>5 a formal primate facility or zoo.</p> <p>6 Q Why haven't they been vaccinated</p> <p>7 against any diseases?</p> <p>8 A Well, tetanus is the most important</p> <p>9 thing that I see and when I can, I try and do that,</p> <p>10 and, you know, what other diseases are you</p> <p>11 suggesting would be done?</p> <p>12 Q Well, I'm not suggesting anything.</p> <p>13 I'm asking about what the professional standards</p> <p>14 typically set forth should be the vaccines.</p> <p>15 A Right. And I believe my personal and</p> <p>16 professional opinion is that if you don't have to</p> <p>17 vaccinate, it's a closed environment, they don't</p> <p>18 have animals moving in and out, and, you know, it's</p> <p>19 a stress to do that and if we don't have to do it,</p> <p>20 we don't do it.</p> <p>21 Q So have you advised Ms. Casey not to</p> <p>22 vaccinate?</p> <p>23 A No. In fact, I have told her in the</p> <p>24 past that we should try and establish some funding</p> <p>25 to do regular annual exams on everybody.</p>
<p style="text-align: right;">Page 154</p> <p>1 A Well, now my office manager tells me,</p> <p>2 because I give away a lot and I have historically</p> <p>3 been this personality.</p> <p>4 Q But historically, how did you decide</p> <p>5 who you would charge and who you would not charge?</p> <p>6 A Just random, you know. I usually had</p> <p>7 a relationship as I understand this person's</p> <p>8 situation and if I can help, I will.</p> <p>9 Q Right. And what you understood about</p> <p>10 Miss Casey's situation is that she would not be</p> <p>11 able to pay for those services?</p> <p>12 A Or not easily be able to be paid.</p> <p>13 Q Right. It would be a financial</p> <p>14 hardship for her; is that right?</p> <p>15 A I think that's a fair presumption. I</p> <p>16 should pay for lunch.</p> <p>17 Q As far as you know, have any of the</p> <p>18 chimpanzees at MPF been vaccinated against any</p> <p>19 disease?</p> <p>20 A When we handle them for anything or</p> <p>21 shipping, I usually give them a tetanus shot.</p> <p>22 Q Well, any of the chimpanzees</p> <p>23 currently at MPF, have they been vaccinated for any</p> <p>24 disease?</p> <p>25 A I don't believe so.</p>	<p style="text-align: right;">Page 156</p> <p>1 Q What do you mean to establish some</p> <p>2 funding to do regular exams on everybody? What do</p> <p>3 you mean by that?</p> <p>4 A Well, to set up a program where</p> <p>5 there's more regular touching of animals on an</p> <p>6 annual basis.</p> <p>7 Q You thought that would be --</p> <p>8 A I think it's a sensible, proper thing</p> <p>9 to do.</p> <p>10 Q To protect their health and welfare?</p> <p>11 A Yes.</p> <p>12 Q And Miss Casey has declined to do</p> <p>13 that?</p> <p>14 A I don't know that it was a decline.</p> <p>15 She wasn't -- she didn't encourage it.</p> <p>16 Q Well, you advised Miss Casey that the</p> <p>17 animals should have, shall we say additional</p> <p>18 veterinary care to protect their health and</p> <p>19 welfare; is that right?</p> <p>20 A Yes.</p> <p>21 Q And she did not take your advice?</p> <p>22 A Yeah.</p> <p>23 Q Was that because she doesn't care for</p> <p>24 the animals or she doesn't have the funding to care</p> <p>25 for the animals?</p>